



# CITY OF LODI

## COUNCIL COMMUNICATION

AGENDA TITLE: Continued Public Hearing to Consider Amending Lodi Municipal Code 13.12 (Sewer Service) to Add "Bakery" to Commercial Categories

MEETING DATE: March 6, 1996

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council conduct the public hearing on the wastewater rate adjustment for bakeries and authorize the City Manager to execute a professional services agreement for a wastewater rate analysis, not to exceed \$18,000.

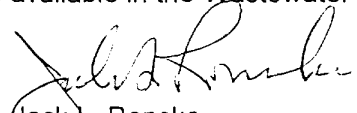
BACKGROUND INFORMATION: The present wastewater rate ordinance provides for various commercial and industrial rates based on the type of business. In some cases, they are classified as "high strength" users in which the rates are calculated on actual flow and wastewater "strength".

The proposed ordinance would add a new category for bakeries. The only bakeries affected by this change are Alexander's Bakery, Baker's Dozen, and Cottage Bakery. Background material on this change is included in the attached memorandum dated January 8, 1996. The wholesale commercial bakery on Neuharth Drive is not affected by this change since its flow and wastewater strength place them in the "high strength" category.

However, recent economic development efforts, in which we have compared "high strength" wastewater rates to those in other cities, indicate we are at a significant competitive disadvantage. We feel it is imperative that we evaluate these rates as soon as possible. The recommended action will allow staff to select a firm specializing in this type of work and bring a recommendation back to the City Council in the shortest amount of time.

With regard to the ordinance adding the bakery category and another minor modification as indicated in Exhibit 1, it can be acted on now or delayed. In terms of fairness under our existing ordinance and policies and to other customers, the change should be adopted now to bring their rates up to an amount comparable with other businesses. In terms of impact on the Wastewater Fund, the dollar amount is minimal.

FUNDING: Sufficient funds for this study are available in the Wastewater operating budget.

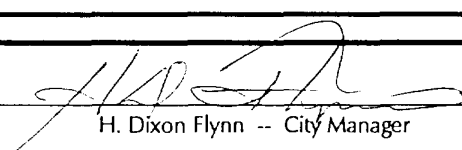
  
Jack L. Ronsko  
Public Works Director

Prepared by Richard C. Prima, Jr., City Engineer

Attachments

cc: Water/Wastewater Superintendent  
Assistant Water/Wastewater Superintendent  
Alexander's Bakery  
Baker's Dozen  
Cottage Bakery (School Street)

APPROVED: \_\_\_\_\_

  
H. Dixon Flynn -- City Manager



## MEMORANDUM, City of Lodi, Public Works Department

To: Public Works Director  
From: Assistant Water/Wastewater Superintendent  
Date: January 8, 1996  
Subject: Bakery Category for Lodi Municipal Code, 13.12, Sewer Service

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On April 19, 1995, the City Council adopted a number of changes to the City's Sewer Ordinance (Lodi Municipal Code Section 13.12). Wastewater discharges from commercial establishments are estimated for billing purposes by factoring a "unit of measure" to the number of employees, seats, or some other appropriate factor per Lodi Municipal Code 13.12.180. Due to new wastewater flow and strength data from bakeries, the unit of measure for Sewage Service Unit (SSU) determination for bakeries was under review during the time of the Sewer Ordinance revision.

At the April 5, 1995 Council Meeting/Public Hearing, staff shared with the City Council that wastewater discharges from bakeries needed further study and evaluation, and the matter would be brought back to them at a future date. This memo is the result of staff's further studies and evaluations of wastewater discharges from bakery uses.

### BACKGROUND:

In the past, most bakeries have been included in commercial Category No. 23, Lodi Municipal Code (LMC) 13.12.180, along with offices, stores, warehouses, and other users which typically discharge only restroom-type wastewater generated from employees. Category No. 23 bases 1.0 SSU per each eight employees. Bakeries, unlike typical users in Category No. 23, have been found to discharge significant quantities of process wastewater in addition to employee restroom wastewater.

Bakeries which have restaurant/cafe type seating and bake for retail sale in the store, have been classified as Category No.15, Eating places, seating and take-out. Category 15 bases 1.0 SSU per each 7 seats. A review of sewage service charges for those establishments show them to be fairly assessed and no changes are recommended.

Category No.17 was also used for a bakery in Lodi which had no seating, but only counter sales. Category No.17 is for Eating places, take-out only, which assesses 1.0 SSU per each 5 employees.

In February, 1992, a new bakery-type operation, La Campana Foods, started up in Lodi. La Campana Foods was classified as a High Strength User when starting service with the City. La Campana Foods capacity fees and initial monthly sewage service billings were based on their estimates of process wastewater flows and

strengths. After a year at full operation, the discharge was monitored for strength and volume. The monitoring, performed from July 1994 through October 1994, showed wastewater discharges that were magnitudes higher in strength than La Campana had originally estimated.

It was then decided to also monitor other bakery operations for discharge flows and strengths. To be monitored, the bakery had to have both a suitable location for sampling and a separate water meter to estimate wastewater discharge volumes. In addition to La Campana, bakeries meeting the criteria that were monitored (from November 1994 through April 1995) were; Alexander's Bakery on Lodi Avenue, Cottage Bakery on Neuharth Drive, and Cottage Bakery on School Street.

#### RESULTS AND RECOMMENDATIONS:

The results show wastewater discharges from these bakeries to be much higher than from typical dischargers in Categories No. 15, 17, and 23. EXHIBITS A1 and A2 summarize monitoring data, show calculated sewage service charges, and compare discharges with the number of employees. Two of the bakery operations, La Campana Foods and Cottage Bakery-Neuharth Drive have very high volume and strength discharges which classifies them as High Strength Users per LMC 13.12.

(High Strength Users are charged by the actual quantity of wastewater discharges. Normally at the end of each calendar year the wastewater discharges and the number of employees from High Strength Users are used to calculate the monthly sewage service charges for the following year. Any significant increases in wastewater discharges or number of employees may also warrant additional capacity fees at the current rate per LMC 13.12.215.C.)

Based on the data for the monitored bakery operations at which flow data and process wastewater sampling could be performed, it is recommended that a new commercial category for bakeries be established. Bakeries would be classified as such if, for example, they produce for sale outside the bakery location, have little or no seating, or monitoring warrants the category.

Although the actual monitoring data from the bakeries suggest 1.0 SSU per less than 0.5 employees may be warranted, it is conservatively recommended the 1.0 SSU per 1.0 employee be used (EXHIBIT B). Also shown in EXHIBIT B is the estimated impact of this new category on monthly sewage service charges on the known bakery operations in Lodi. Any business disputing the charges may request to have their discharges monitored (LMC 13.12.260). (No additional capacity fees would be charged existing bakery operations due an increase in SSU's caused only by the conversion of SSU's to the new bakery category.)

RECAP OF RECOMMENDED CHANGES:

Category No. 31 be added to LMC 13.12.180.C.2 to be called "Bakery".

The Unit of Measure for Category No. 31 be 1.0 SSU per 1.0 employee.

<u>Bakeries Affected by</u> <u>New Bakery Category</u>	<u>Current Monthly Rate</u>	<u>New Monthly Rate</u>
Alexanders	\$ 7.12	\$ 56.96
Cottage Bakery-School St	\$ 21.36	\$170.88
Bakers Dozen	\$ 7.12	\$ 32.04

In November 1995 the bakeries listed above have been sent a copy of the monitoring results which included the recommended changes and the corresponding new monthly sewer rates. To date we have not received any negative comments from the affected bakeries.

If you have any questions concerning the monitoring or our recommendations, call me at Extension 443 or Laboratory Services Supervisor Mike Schafer at Extension 868.



Frank Beeler  
Assistant Water/Wastewater Superintendent

FB/dsg

Attachments

cc: Water/Wastewater Superintendent  
Laboratory Services Supervisor

## City of Lodi, Public Works Department

## Cottage Bakery - 40 E. Neuharth

BOD mg/L = 6550  
 SS mg/L = 1620  
 Est. Flow MGY\* = 2.683

	mg/L	MGY	x 8.34	/ 1000		1000 lbs
BOD 1000 lbs =	6550	2.683	x 8.34	1000	=	146.6
SS 1000 lbs =	1620	2.683	x 8.34	1000	=	36.2

YEARLY SEWAGE SERVICE FEES:

Process Wastewater				\$/Year		
Flow	2.683 MG	X	\$411.02	=	\$1,102.77	
BOD	146.6 1000lbs	X	\$201.14	=	\$29,487.12	
SS	36.2 1000lbs	X	\$164.42	=	<u>\$5,952.00</u>	
Process Wastewater Annual Total:					\$36,541.89	
Employee Usage /8 = SSU \$ / SSU						
No. Employees	95	11.875	X	\$ 85.42	=	<u>\$1,014.36</u>
Annual Total:					\$37,556.25	

## Employees per SSU:

Annual \$		\$/Yr/SSU		Employees		Employees/SSU
\$37,556.25	/	85.42	/	95	=	0.22

\* Estimated flow uses the metered intake and subtracts for employee usage, irrigation, evaporation, and use in product. (appx. 55%)

## Cottage Bakery - School St.

BOD mg/L = 4060  
 SS mg/L = 920  
 Est. Flow MGY\* = 0.264

	mg/L	MGY	x 8.34	/ 1000		1000 lbs
BOD 1000 lbs =	4060	0.264	x 8.34	1000	=	8.9
SS 1000 lbs =	920	0.264	x 8.34	1000	=	2.0

YEARLY SEWAGE SERVICE FEES:

Process Wastewater				\$/Year		
Flow	0.264 MG	X	\$411.02	=	\$108.51	
BOD	8.9 1000lbs	X	\$201.14	=	\$1,790.15	
SS	2.0 1000lbs	X	\$164.42	=	<u>\$328.84</u>	
Process Wastewater Annual Total:					\$2,227.50	
Employee Usage /8 = SSU \$ / SSU						
No. Employees	24	3.000	X	\$ 85.42	=	<u>\$256.26</u>
Annual Total:					\$2,483.76	

## Employees per SSU:

Annual \$		\$/Yr/SSU		Employees		Employees/SSU
\$2,483.76		85.42		24	=	0.83

\* Estimated flow uses the metered intake and subtracts for employee usage, irrigation, evaporation, and use in product. (appx. 55%)

## City of Lodi, Public Works Department

## Alexanders Bakery - Lodi Ave.

BOD mg/L = 1600  
 SS mg/L = 1020  
 Est. Flow MGY\* = 0.64

	mg/L	MGY	x 8.34	/ 1000		1000 lbs
BOD 1000 lbs =	1600	0.64	x 8.34	1000	=	8.5
SS 1000 lbs =	1020	0.64	x 8.34	1000	=	5.4

YEARLY SEWAGE SERVICE FEES:

Process Wastewater			\$ / Year		
Flow	0.64 MG	X	\$411.02	=	\$263.05
BOD	8.5 1000lbs	X	\$201.14	=	\$1,709.69
SS	5.4 1000lbs	X	\$164.42	=	<u>\$887.87</u>
Process Wastewater Annual Total:					\$2,860.61
Employee Usage			/8 = SSU \$ / SSU		
No. Employees	8	1.000	X	\$ 85.42	= <u>\$85.42</u>
Annual Total:					\$2,946.03

## Employees per SSU:

Annual \$	\$/Yr/SSU	Employees	Employees/SSU
\$2,946.03	85.42	8	= 0.23

\* Estimated flow uses the metered intake and subtracts for employee usage, evaporation, and use in product (no irrigation). (appx. 60%)

## La Campana

BOD mg/L = 5460  
 SS mg/L = 4090  
 Est. Flow MGY\* = 0.765

	mg/L	MGY	x 8.34	/ 1000		1000 lbs
BOD 1000 lbs =	5460	0.765	x 8.34	1000	=	34.8
SS 1000 lbs =	4090	0.765	x 8.34	1000	=	26.1

YEARLY SEWAGE SERVICE FEES:

Process Wastewater			\$ / Year		
Flow	0.765 MG	X	\$411.02	=	\$314.43
BOD	34.8 1000lbs	X	\$201.14	=	\$6,999.67
SS	26.1 1000lbs	X	\$164.42	=	<u>\$4,291.36</u>
Process Wastewater Annual Total:					\$11,605.46
Employee Usage			/8 = SSU \$ / SSU		
No. Employees	35	4.375	X	\$ 85.42	= <u>\$373.71</u>
Annual Total:					\$11,979.17

## Employees per SSU:

Annual \$	\$/Yr/SSU	Employees	Employees/SSU
\$11,979.17	85.42	35	= 0.25

\* Estimated flow uses the metered intake and subtracts for employee usage, irrigation, evaporation, and use in product. (appx. 55%)

## City of Lodi, Public Works Department

**SUMMARY:**

Based on actual monitoring of discharges and comparing results with the number of employees.  
(See Exhibits A-1 and A-2 for a more detailed breakdown.)

	<u>\$0.00</u>	
Cottage Bakery - 40 E. Neuharth	0.22	
Cottage Bakery - School St.	0.83	
Alexanders Bakery - Lodi Ave.	0.23	
La Campana	0.25	
Average:	0.38	• employees per 1.0 SSU • Equals appx. 2.6 SSU's per employee.

**RECOMMENDATION:**

It is conservatively recommended that a bakery category be based on:

**1.0 Employees per 1.0 Sewage Service Units**

**IMPACT:**

New Bakery Category	Number of Employees	Current Rate \$ per Mo.	Recommended Rate \$ per Mo.
Alexanders	8	\$ 7.12	\$ 56.96
Cottage Bakery-School St.	24	\$ 21.36	\$ 170.88
Bakers Dozen	4.5	\$ 7.12	\$ 32.04

Additions are noted with Underline and Deletions with ~~Strikeout~~

Lodi Municipal Code, Chapter 13.12  
SEWER SERVICE

13.12.180.C

Domestic system service charges.

2. Commercial and industrial user sewage service charges shall be based on the number of sewage service units assigned to each user. The unit of measure for determining the number of sewage service units assigned to each user are as follows:

User Description	Unit of Measure
1. Meeting place, religious	Each 200 seats
2. Meeting place, public	Each 100 seats
3. Hotel, motel without kitchenettes	Each 3 beds
4. Hotel, motel with kitchenettes	Each unit
5. Veterinary clinic	Each 4 employees
6. Post office	Each 15 employees
7. Funeral parlor	Each 3 employees
8. Service station with service garages	Each 2.5 pumps
9. Service station without service garages	Each 7 pumps
10. Car wash, automatic bay	20 SSU's per bay
11. Car wash, self serve bays	2 SSU's per bay
12. School, 8th grade and below	Each 20 students
13. High school	Each 15 students
14. Eating place, seating only	Each 10 seats
15. Eating place, seating and take-out	Each 7 seats
16. Eating place, "pizza parlor"	Each 35 seats
17. Eating place, take-out only	Each 5 employees
18. Lunch truck business	Each 5 employees
19. Laundry, coin-op., reg. mach.	Each 1.5 machines
20. Laundry, coin op., big mach.	Each machine
21. Comm. laundry and dry cleaning	Each 3 employees
22. Dentist's office	Each 5 employees
23. Office, store, warehouse, manufacturer, doctor's, chiropractor's and X-ray offices	Each 8 Employees
24. Grocery store, supermarket (having veg/fruit or butcher/meat sections)	Each 4 employees
25. Bar	Each 20 seats
26. Barber, beauty shop	Each 3 workstations
27. Hospital, convalescent home	Each 3 beds
28. Rest and retirement home	Each 3 beds
29. Mobile home park	Each 1.33 pads
30. RV dump station	Each station
31. <u>Bakery</u>	<u>Each 1 employee</u>

One sewage service unit shall be assigned to each unit of measure. Fees shall be based on a minimum of one sewage service unit and fractions of sewage service units thereafter. At the discretion of the Public Works Director, a commercial user's service charges and/or capacity fees may be based on actual wastewater discharges ~~flows~~ estimated by use of an influent water meter or other appropriate means.



ORDINANCE NO. 1627

AN ORDINANCE OF THE LODI CITY COUNCIL  
REPEALING AND REENACTING LODI MUNICIPAL CODE  
CHAPTER 13.12, SECTION 13.12.180 - C. 2. RELATING TO DOMESTIC  
SYSTEM SERVICE CHARGES

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BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

Section 1. Lodi Municipal Code Section 13.12.180 C. 2. - Domestic System Service Charges - is hereby amended to read as follows:

2. Commercial and industrial user sewage service charges shall be based on the number of sewage service units assigned to each user. The unit of measure for determining the number of sewage service units (SSU) assigned to each user is as follows:

User Description	Unit of Measure
1. Meeting place, religious	Each 200 seats
2. Meeting place, public	Each 100 seats
3. Hotel, motel without kitchenettes	Each 3 beds
4. Hotel, motel with kitchenettes	Each unit
5. Veterinary clinic	Each 4 employees
6. Post office	Each 15 employees
7. Funeral parlor	Each 3 employees
8. Service station with service garages	Each 2.5 pumps
9. Service station without service garages	Each 7 pumps
10. Car wash, automatic bay	20 SSU's per bay
11. Car wash, self-serve bays	2 SSU's per bay
12. School, 8th grade and below	Each 20 students

13.	High school	Each 15 students
14.	Eating place, seating only	Each 10 seats
15.	Eating place, seating and take-out.	Each 7 seats
16.	Eating place, "pizza parlor"	Each 35 seats
17.	Eating place, take-out only	Each 5 employees
18.	Lunch truck business	Each 5 employees
19.	Laundry, coin-op., reg. mach.	Each 1.5 machines
20.	Laundry, coin-op., big mach.	Each machine
21.	Comm. laundry and dry cleaning	Each 3 employees
22.	Dentist's office	Each 5 employees
23.	Office, store, warehouse, manufacturer, Doctor's, Chiropractor's and X-ray offices	Each 8 Employees
24.	Grocery Store, supermarket (having veg/fruit or butcher/meat sections)	Each 4 employees
25.	Bar	Each 20 seats
26.	Barber, beauty shop	Each 3 workstations
27.	Hospital, convalescent home	Each 3 beds
28.	Rest and retirement home	Each 3 beds
29.	Mobile home park	Each 1.33 pads
30.	RV dump station	Each station
31.	Bakery	Each 1 employee

One sewage service unit shall be assigned to each unit of measure. Fees shall be based on a minimum of one sewage service unit and fractions of sewage service units thereafter. At

the discretion of the Public Works Director, a commercial user's service charges and/or capacity fees may be based on actual wastewater discharges estimated by use of an influent water meter or other appropriate means.

Section 2 - No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3 - Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 5. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this \_\_\_\_ day of \_\_\_\_\_, 1995

\_\_\_\_\_  
DAVID P. WARNER  
Mayor

Attest:

JENNIFER M. PERRIN  
City Clerk

State of California  
County of San Joaquin, ss.

I, Jennifer M. Perrin, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1627 was introduced at a regular meeting of the City Council of the City of Lodi held March 6, 1996 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held \_\_\_\_\_, 1996 by the following vote:

Ayes: Council Members -

Noes: Council Members -

Absent: Council Members -

Abstain: Council Members -

I further certify that Ordinance No. 1627 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

JENNIFER M. PERRIN  
City Clerk

Approved as to Form:

RANDALL A. HAYS  
City Attorney



## CITY OF LODI

Carnegie Forum  
305 West Pine Street, Lodi

## NOTICE OF PUBLIC HEARING

Date: March 6, 1996

Time: 7:00 p.m.

For information regarding this notice please contact:

**Jennifer M. Perrin**

City Clerk

Telephone: (209) 333-6702

### NOTICE OF CONTINUED PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, March 6, 1996** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Continued Public Hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) Amending Lodi Municipal Code 13.12 (Sewer Service) to add "Bakery" to commercial categories

All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, P.O. Box 3006, at or prior to the Public Hearing.

By Order of the Lodi City Council:

Jennifer M. Perrin  
City Clerk

Dated: February 21, 1996

Approved as to form:

John Luebberke  
Deputy City Attorney



CITY OF LODI  
P. O. BOX 3006  
LODI, CALIFORNIA 95241-1910

## ADVERTISING INSTRUCTIONS

**SUBJECT:** NOTICE OF CONTINUED PUBLIC HEARING SET FOR WEDNESDAY, MARCH 6, 1996 TO CONSIDER AMENDING LODI MUNICIPAL CODE 13.12 (SEWER SERVICE) TO ADD "BAKERY" TO COMMERCIAL CATEGORIES

**PUBLISH DATE:** SATURDAY, FEBRUARY 24, 1996

**TEAR SHEETS WANTED:** ONE

**AFFIDAVIT AND BILL TO:**

JENNIFER M. PERRIN  
CITY CLERK

**DATED:** FEBRUARY 22, 1996

**ORDERED BY:**

Linda S. Nichols  
LINDA S. NICHOLS  
DEPUTY CITY CLERK



## DECLARATION OF MAILING

### Continued Public Hearing - Sewer Service

On February 22, 1996 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 22, 1996, at Lodi, California.

Jennifer M. Perrin  
City Clerk

Linda S. Nichols  
Linda S. Nichols  
Deputy City Clerk

## **MAILING LIST**

**ALEXANDER'S BAKERY**  
1100 West Lodi Avenue  
Lodi, CA 95240

**BAKERS DOZEN**  
623 East Oak Street  
Lodi, CA 95240

**COTTAGE BAKERY**  
203 South School Street  
Lodi, CA 95240

**LODI DISTRICT CHAMBER OF COMMERCE**  
35 S. School Street  
Lodi, CA 95240